

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/17/2021

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 UNITED STATES OF AMERICA, :
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 92-CR-0019
 :
 ORDER
 -against- :
 :
 DOMINGO ROSARIO FIGUEROA, :
 :
 :
 Defendant. :
 ----- X

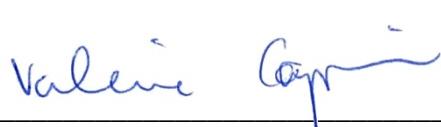
VALERIE CAPRONI, United States District Judge:

WHEREAS Defendant's resentencing is scheduled for **March 30, 2021 at 10:00 a.m.**;
 WHEREAS the Court has reviewed the parties' written submissions on: (i) whether Defendant's sentence can run concurrent to the sentence imposed in the Eastern District of Virginia; (ii) whether the First Step Act applies at resentencing; and (iii) whether Defendant's robbery convictions constitute crimes of violence such that he is subject to the Armed Career Criminal Act and career offender enhancements (Dkts. 103, 104, 108, 109);

IT IS HEREBY ORDERED THAT: The Court is tentatively inclined to rule: (i) Defendant's sentence cannot run concurrent to any prior sentence; (ii) Defendant will get the benefit of the First Step Act's amendments to 18 U.S.C. § 924(c)(1)(C); and (iii) Defendant's robbery convictions under Puerto Rico law do not qualify as crimes of violence for purposes of the ACCA and the career offender provision of the Sentencing Guidelines. The Court will give both parties an opportunity to speak on each issue at the resentencing before it finalizes that opinion.

SO ORDERED.

Date: March 17, 2021
New York, NY



VALERIE CAPRONI
United States District Judge